

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

- 1) EDISON MISLA-ALDARONDO
2) JOSE GERARDO CRUZ-ARROYO
3) JOSE IVAN RAMOS-CUBANO
4) JOSE DE-JESUS-TORO
5) ALVIN RAMIREZ-ORTIZ

Defendants

CRIMINAL 01-0691CCC

O R D E R

Having considered the Motion for Reconsideration of Denial of Reduction of Sentence filed by defendant José Iván Ramos-Cubano on December 15, 2005 (**docket entry 771**), the same is DENIED. The Court has reviewed the relevant excerpts of defendant Ramos-Cubano's testimony on cross-examination during the trial of co-defendant José Gerardo Cruz-Arroyo, when he was confronted with the financial statement that he submitted to the U.S. Probation Officer for the preparation of his February 25, 2004 Pre-Sentence Report (PSR). By movant's own admission at the trial, he was interviewed by the U.S. Probation Officer around November 2003. In September 2003 he was paid \$1.7 million dollars for his shares in CAS Management. He explained that José Quirós purchased his shares as well as those of co-defendants José De Jesús and Alvin Ramírez. Initially, he stated that when he received the \$1.7 million he did not sign documents with Quirós, and later stated he guessed that he signed documents for the \$1.7 million sale. He admitted that he did not tell the U.S. Probation Officer during the November 2003 interview that he had received the \$1.7 million, but said that he believed he included that amount in his financial disclosure report. When confronted with the financial statement (Exhibit V), as itemized in the PSR, he had to admit that the \$1.7 million that he had received before the interview was not in the financial statement which he provided to the U.S. Probation Office.

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Defendant now makes a feeble attempt in his reconsideration request to lessen the damaging effect of the concealment of this information. Without submitting any proof of payments to anyone, he would have the Court believe that from September 2003, when he received the \$1.7 million, to November 2003, when he was interviewed by the U.S. Probation Officer, practically all that money had been spent.

Defendant has not been honest with the Court or with the U.S. Probation Officer regarding the reality of his financial assets. The accounting he attempts to submit in reconsideration should have been submitted with supporting evidence to the Probation Officer since the November 2003 interview. Given his untrustworthy conduct regarding the withholding of full and accurate financial information from the U.S. Probation Officer which was a way of misleading this Court in determining the sentence to be imposed, the Motion for Reconsideration (**docket entry 771**) is DENIED.

Finally, the Court NOTES that the date of imposition of judgment on defendant Ramos-Cubano was October 6, 2004, but he has yet to serve one day of the 24-month imprisonment term imposed upon him. The Court having denied the Motion for Reconsideration of Denial of Reduction of Sentence, and further considering the length of time that has elapsed since the imposition of sentence, the Bureau of Prisons shall provide a status report on whether defendant has commenced to serve his imprisonment term by MARCH 1, 2006.

SO ORDERED.

At San Juan, Puerto Rico, on February 13, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge